



REMARKS

In the Office Action, the Examiner noted that claims 1-18 are pending in the application, claims 1, 2, 9, 10, and 15 are rejected, while claims 3-8, 11-14, and 16-18 are objected to. The Examiner's rejections are traversed below.

OATH / DECLARATION

The Examiner has noted that the oath and declaration is defective since the inventor's signature is missing. The Applicant responded to a notice of missing parts on January 30, 2002 with a Declaration and Oath signed by the inventor. In the event that the signed Declaration was not entered into the file, the Applicant encloses a copy of the signed Declaration with this response in the attached appendix.

DRAWINGS

The Examiner requires corrected drawings in response to the objections raised by the draftperson's remarks. Corrected drawings are submitted with this response in the attached appendix.

REJECTION UNDER 35 U.S.C. § 102(e)

The Examiner rejects claims 1, 2, 9, 10, and 15 under 35 U.S.C. § 102(e) as being anticipated by US Patent 6,459,820 to Sarachik (hereinafter, "Sarachik").

Sarachik teaches a method for measuring distances between locations in an image using sub-models to perform gauging. A geometric model is broken up into sub-models, and at run-time, the sub-models are used to find the entire model in the image (Sarachik, col. 2, lines 50-60, Fig. 2). However, in order to use the sub-models for gauging, the teachings of Sarachik requires that the "user provides at setup time a list of measurement definitions [that consist] of a list of one or more sub-model pairs to be used for gauging the measurement." (Sarachik, col. 3, lines 1-4). In other words, Sarachik teaches a simplistic application of sub-model search techniques to perform gauging since the user must specify the sub-models as the gauge entities upon which a measurement is made.

By contrast, the Applicant claims the steps of "identifying a set of gauge entities ... [and] automatically configuring sub-models according to the stability of features in said sub-models for computing position of each of said gauge entities" in claim 1. In the method disclosed by Sarachik, the user selects the sub-model pairs that are used for gauging the measurement (i.e., the sub-models are the gauge entities). In the method according to claim 1, gauge entities are identified, and sub-models are then configured according to the stability of features in said sub-models for computing position of each of said gauge entities. In the present application, the specific limitation that the automatic configuration according to the stability of features is clearly distinguished over Sarachik, since Sarachik does not configure sub-models from gauge entities. The simplistic approach of Sarachik configures sub-models from a training image – and gauge entities are only then provided. The Applicant discloses and claims a method of performing gauging using sub-models that automatically configures the sub-models based on gauge entities.

According to the MPEP, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In view of the argument above, Sarachik fails to teach or disclose, expressly or inherently, each and every limitation as claimed by the Applicant. Accordingly, the Applicant believes that claim 1 is not anticipated by Sarachik, and therefore, the claim is allowable in its present form.

Regarding claim 2, for reasons analogous to that argued with respect to claim 1, the Applicant believes the claim is at least allowable. Because claim 2 depends from claim 1, the additional limitation of assessing the spatial relationships for compliance with preselected tolerances cannot be anticipated by Sarachik. Accordingly, the Applicant believes that claim 2 is allowable in its present form.

Regarding claims 9 and 10, as argued above, Sarachik fails to teach or suggest automatic configuration of sub-models according to stability of features in the sub-models for computing the position of each of the gauge entities. Instead, Sarachik teaches that sub-models can be automatically broken up from a geometric model – from which

gauge entities can be selected. The teachings of Sarachik are vastly different from the method claimed by Applicant in claim 9, since the selection of sub-models as gauge entities does not anticipate automatic configuration of sub-models according to stability of features of the sub-models for computing position of each of the gauge entities. Accordingly, the Applicant believes that claims 9 and 10 are allowable in the present form.

Regarding claim 15, for reasons analogous to the above argument with respect to claims 1, 2, 8 and 9, the Applicant respectfully asserts that Sarachik cannot form a basis for rejection due to anticipation under § 102. Accordingly, the Applicant believes that claim 15 is allowable in its present form.

ALLOWABLE SUBJECT MATTER

The Applicant appreciates the Examiner's acknowledgement of the allowability of claims 3-8, 11-14, and 16-18, but for the dependency upon rejected claims. In view of the above argument, the Applicant believes the rejections have been overcome, and therefore, all claims are allowable in the present form.

CONCLUSION

In view of the above remarks, Applicant respectfully requests withdrawal of all rejections and allowance of the claims pending in the application. The Examiner is invited to telephone the undersigned Applicant's Attorney to facilitate advancement of the present Application.

Respectfully submitted,



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